

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JUNE 25 19 85

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING June 25 A.D., 19 85,
IN Regular SESSION. PRESIDENT Mark E. GiaQuinta
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING
MEMBERS VIZ:

BRADBURY <u>P</u>	BURNS <u>P</u>	EISBART <u>P</u>
GiaQUINTA <u>P</u>	HENRY <u>P</u>	REDD <u>P</u>
SCHMIDT <u>a</u>	STIER <u>P</u>	TALARICO <u>P</u>

ABSENT:

COUNCILMAN: , ,

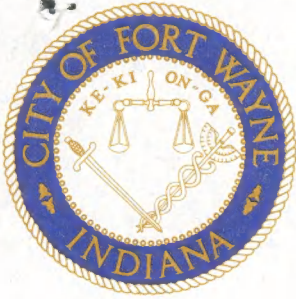
THE INVOCATION WAS GIVEN BY

THE MINUTES OF THE LAST REGULAR June 11, 19 85,

 , 19 ,

SPECIAL , 19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

10 June 1985

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-85-05-15

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
10th day of June 1985.

Melvin O. Smith
Secretary

FACT SHEET

Z-85-05-15

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Z-85-05-15

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

4606 East State Street

Reason for Project

To bring property into same zoning classification as rest of development.

Discussion (Including relationship to other Council actions)

May 20, 1985 - Public Hearing

William Swift, attorney for East State Professional Center stated that this zoning is being requested in order to bring this property into the same zoning class as the rest of the development. He stated they have no new construction planned on this site. He stated it was an oversight wehn they were rezoning all of the rest of the property to a POD to have left this portion out. He stated that this reclassification of this portion was also one of the conditions of rezoning some of the property to POD.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

June 3, 1985 - Business Meeting

Motion to approve was made and carried by 6 ayes, 0 nays, 1 did not vote.

Of the 7 members present 6 voted for approval, one did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

East State Professional Ctr.

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS

(For Council
use only)☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

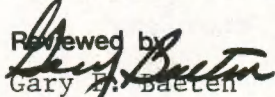
Date 29 March 1985

Projected Completion or Occupancy

Date 10 June 1985

Fact Sheet Prepared by
Patricia Biancaniello

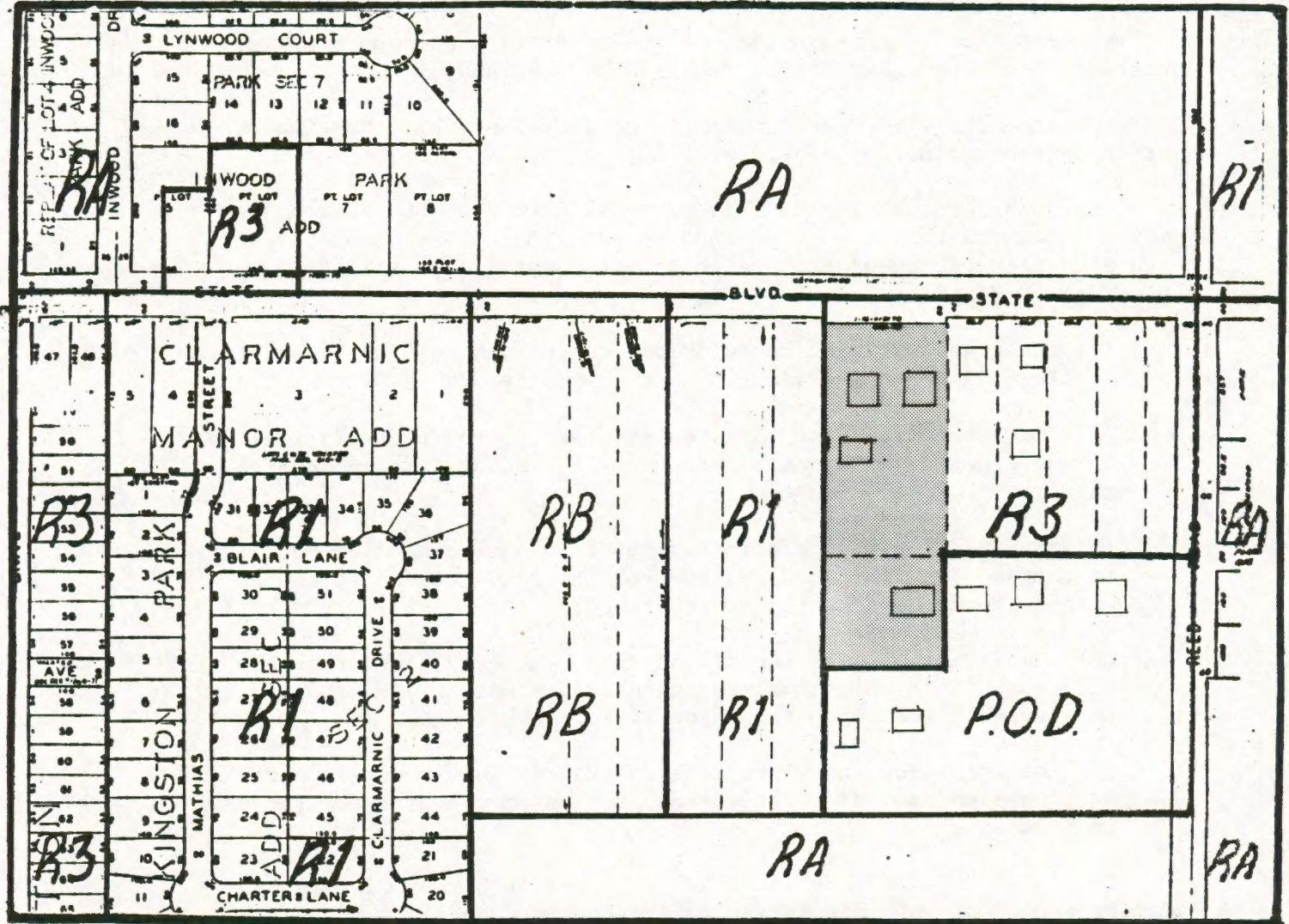
Date 10 June 1985

Reviewed by

Gary E. Baeten

Date 10 June 1985

Reference or Case Number

GENERAL LOCATION FOR 4606 EAST STATE BLVD.

Zoning:Land Use:

- R1 RESIDENTIAL DISTRICT
 R3 RESIDENTIAL DISTRICT
 RA RESIDENCE 'A'
 RB RESIDENCE B
 P.O.D. PROFESSIONAL OFFICE DISTRICT

BILL NO. Z-85-05-15

Scale: 1" = 300'

Date: 4-24-85



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 14, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-05-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 20, 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 3, 1985.

Certified and signed this
10th day of June 1985.

Melvin O. Smith
Secretary

3 May 1985

PROPOSAL:

East State Professional Center and William Swift, trustee, petition for a change of zone from an R-3 to a P.O.D.

GENERAL INFORMATION:

Location:	Off State Blvd., west of Reed Road, and on the south side of the street.
Legal Description:	Metes & Bounds in File
Existing Zoning:	R-3
Size of Property:	3.59 Acres \pm
Surrounding Land Use & Zoning:	North - RA - Single Family South - POD - Offices East - POD - Offices West - RB - Single Family
Reason For Request:	To bring existing office use into the same zoning classification as the rest of the development.
Applicable Regulations:	POD is a more restrictive classification than R-3.
Comprehensive Plan:	No Comment
Urban Design:	Approved
Neighborhood Planning:	No Comment
HANDS:	No Comment
Housing Authority:	No Comment

SPECIAL INFORMATION:

Public Utilities:	Available
Physical Characteristics:	This is currently a developed site.

PLANNING STAFF DISCUSSION:

The proposed zoning designation is more restrictive than the current R-3 designation. This area has previously been approved for office use thru the BZA.

Approval of this petition will place all professional office uses at this site into the same zoning classification, and under the same restrictions requiring development plan review by Plan Commission.

RECOMMENDATION:

Approval



The City of Fort Wayne

LAND USE MANAGEMENT

Division of Community Development & Planning

10 June 1985

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-85-05-13

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
10th day of June 1985.

Melvin O. Smith
Secretary

FACT SHEET

Z-85-05-13

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

DETAILS**Specific Location and/or Address**

1212 Magnavox Way

Reason for Project

Petitioner would like to expand a motel on this site.

Discussion (Including relationship to other Council actions)

May 20, 1985 - Public Hearing

Doug Miller, attorney for petitioner stated that this property is the Ramada Inn. He stated that when this property was in the county and controlled by the City as fringe, it was zoned an "IA" symbol. He stated when it was annexed the City zoned it B-1-A which does not allow for a motel, thereby making the Ramada Inn a legal non-conforming use and unable to expand its facilities. He stated that the Ramada Inn wants to expand and needs to rezone in order to do so.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

June 3, 1985 - Business Meeting.

Motion to approve was made and carried.

Of the 7 members present 6 voted in favor of the request one did not vote.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Jackson Tsang owner Ramada Inn
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date April 17, 1985

Projected Completion or Occupancy

Date 10 June 1985

Fact Sheet Prepared by

Date 10 June 1985

Patricia Biancaniello

Reviewed by

Date 10 June 1985

Gary A. Baeten
Gary A. Baeten

Reference or Case Number

127

MAP NO. D-2

NORTH

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 14, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-05-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 20, 1985;

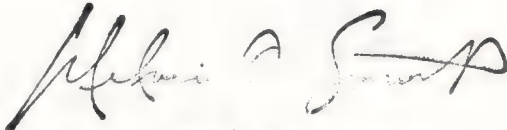
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 3, 1985.

Certified and signed this
10th day of June 1985.



Melvin O. Smith
Secretary

PROPOSAL:

Jackson Tsang, petitioner, requests a change of zone from a B-1-A to a B-1-B

GENERAL INFORMATION:

Location:

On the west side of Magnavox Way south of Illinois Road and south of the existing frontage road. 1212 Magnavox Way

Legal Description:

Metes & Bounds in File

Existing Zoning:

B-1-A

Size of Property:

6.93 acres \pm

Surrounding Land Use & Zoning:

West - B-1-B - Open Areas & Commercial
East - B-1-A - Commercial
South - B-1-B - Commercial
North - County

Reason For Request:

Petitioner would like to expand a motel on this site.

Applicable Regulations:

B-1-A does not allow a hotel or motel.

Comprehensive Plan:

The general land use policies state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The overall goal in the outer ring, where this request is located, is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. In the West Sector of the outer ring the goal of the plan is to contain urban growth within the urban service line. This location is within the existing urban service line and is a compatible land use with what exists in the area.

Urban Design:

No Comment

Neighborhood Planning:

No Comment

HANDS:

No Comment

Housing Authority:

No Comment

Change of Zone #127
3 May 1985

Page two

SPECIAL INFORMATION:

Public Utilities:

Sewer & water are available to this site.

Physical Characteristics:

This site is in close proximity to Illinois Road (S.R. #14).

PLANNING STAFF DISCUSSION:

The Comprehensive Plan shows this to be an area of commercial usage. This parcel, and a corresponding parcel on the east side of the road are the only B-1-A designations in the immediate area. Approval would allow a number of uses, and would be in keeping with the surrounding area.

The existing development on this parcel is Ramada Inn. Due to the changes in County and City zoning policies and fringe areas, the Ramada Inn is apparently a legal-non-conforming use. Any expansion of this use would not be permitted. Rezoning would allow expansion.

Restricting this parcel to the uses permitted in a B-1-A district may actually constitute an undue hardship as this area develops, and as changes to the Zoning Ordinance occur.

RECOMMENDATION:

Approval with condition.

- 1) No additional access to the property to be permitted from Magnavox Way on Illinois Road.

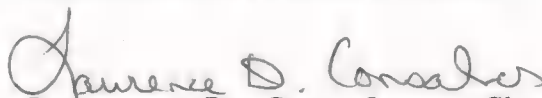
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 86/85/E
87/85/E
88/85/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

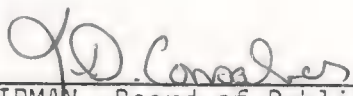
Respectfully Submitted,


Lawrence D. Consalvos, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 86/85/E
87/85/E
88/85/E)

I hereby certify that I did this 10th day of
June, 19 85 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 86/85/E
87/85/E of the Board of Public
88/85/E
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.


CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 86/85/E
(Adopted June 10, 19 85)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 55/85/E: STOP

INTERSECTION (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 7, 19 85, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

June 10, 19 85, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Cass Street -- stop -- for Jacobs Avenue

REGULATORY RESOLUTION NO. 87/85/E

(Adopted June 10, 1985)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

regard to RENEW & EXTEND REG. RES. 57/85/E: IMPAIRED

MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 7, 1985, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

June 10, 1985, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

1017 Herman Street -- south side -- from 175' east of St. Mary's Avenue to 20' east thereof

REGULATORY RESOLUTION NO. 88/85E

(Adopted June 10, 19 85)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

regard to RENEW & EXTEND REG. RES. 58/85/E: STOP

INTERSECTION (EMERGENCY) AND DELETE: TRAFFIC SIGNAL

(EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated June 7, 19 85, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

June 10, 19 85, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Wall Street -- stop -- for College Street

DELETE: TRAFFIC SIGNAL (EMERGENCY)

College Street -- and -- Wall Street

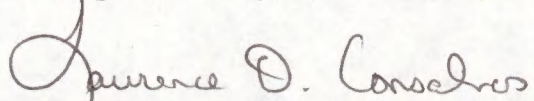
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 89/85/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully Submitted,

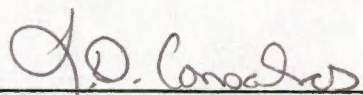
A handwritten signature in dark ink, appearing to read "Lawrence D. Consalvos". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Lawrence D. Consalvos, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 89/85/ E)

I hereby certify that I did this 14th day of
June, 1985 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 89/85 E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 89/85/E
(Adopted June 14, 19 85)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 59/85/E: NO PARKING

(EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 14, 19 85, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

June 14, 19 85, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (EMERGENCY)

Plaza Drive -- both sides -- from McKinnie Avenue to 205' north thereof

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 25th day of June, 1985, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 26th day of June, 1985;

SANDRA E. KENNEDY, CITY CLERK